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CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

CR24-04257 TUC-JCH(JR)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Antonio Olmos,
Counts 1-3

Marc Luna, and
Count 3

Fredric Braeseker,
Counts 1-3

Defendants.

I N D I C T M E N T

Violations:

18 U.S.C. § 371

(Conspiracy to Smuggle Goods from the
United States)
Count 1

18 U.S.C. §§ 554(a) and 2

(Facilitation to Smuggle of Goods from
the United States and Aiding and
Abetting)
Count 2

18 U.S.C. §§ 922(a)(6) and 924(a)(2)

(Making a False Statement in the
Acquisition of a Firearm and Aiding and
Abetting)
Count 3

THE GRAND JURY CHARGES:

COUNT 1

From about December 7, 2021, through on or about December 21, 2021, in the District of Arizona, the defendants, ANTONIO OLMOS and FREDRIC BRAESEKER, did knowingly and willfully conspire and agree together and with each other, and with other persons both known and unknown to the Grand Jury, to smuggle goods from the United States, and to receive, conceal, buy, sell or in any manner facilitate the transportation, concealment, or sale of any merchandise, that is:

- One Barrett, model M95, .50 BGM caliber rifle,

1 prior to exportation, knowing the same to be intended for exportation and knowing such
2 acts were contrary to any law or regulation of the United States, to wit: Title 50, United
3 States Code, Section 4819(a)(2), Title 15, Code of Federal Regulations, Parts 730, et. seq.,
4 736.2, 738, and 774; in violation of Title 18, United States Code, Section 554(a).

5 **Purpose of the Conspiracy**

6 The purpose of this conspiracy was to buy a Barrett, model M95, .50 BGM caliber rifle,
7 and to facilitate the smuggling of the Barrett .50 caliber rifle from the United States into
8 the Republic of Mexico.

9 **The Means and Methods of the Conspiracy**

10 The means and methods employed by the defendants and their co-conspirators to carry
11 out the conspiracy and effect its unlawful object are as follows:

- 12 • It was part of the conspiracy that certain defendants and/or their co-conspirators
13 would purchase and acquire a Barrett, model M95, .50 BGM caliber rifle;
- 14 • It was a further part of the conspiracy that certain defendants and/or their co-
15 conspirators would provide the funds and directions for the firearm purchase to the
16 defendants and/or conspirators who purchased the firearm and provide monetary
17 compensation for the firearm purchase;
- 18 • It was a further part of the conspiracy that the defendants and/or co-conspirators
19 would arrange for the transportation of the purchased firearm from the District of
20 Arizona into the Republic of Mexico
- 21 • It was further part of the conspiracy that the defendants and/or their co-conspirators
22 did not have a valid license or other authority to export the firearm from the United
23 States into the Republic of Mexico.

24 **Overt Acts**

25 In furtherance of the conspiracy, one or more of the co-conspirators committed, or
26 caused to be committed, the overt acts described below:

- 27 • On December 7, 2021, an order was placed with Caroline Colt Company, LLC, for
28 the purchase of a Barrett, model M95, .50 BMG caliber rifle;

- On December 8, 2021, MARC A. LUNA obtained a cashier's check in the amount of \$7,020 from the Navy Federal Credit Union to pay for the Barrett .50 BGM caliber rifle;
 - On December 16, 2021, FREDRIC BRAESEKER texted ANTONIO OLMOS, using a number associated to BRAESEKER, "DON'T FORGET TO GO GET UR I.D TOMORROW IS FRIDAY ALREADY." The message was to remind OLMOS that he was to complete the purchase and pick up the Barrett .50 BGM caliber rifle.
 - On December 21, 2021, ANTONIO OLMOS went to Liberty Pawn Shop, a licensed firearms dealer, in Tucson, AZ, filled out the ATF Form 4473, checked the box "yes" that he was the actual transferee/buyer of the firearm listed on the form, and received the Barrett .50 BGM caliber rifle.

All in violation of Title 18, United States Code, Section 371.

COUNT 2

From about December 7, 2021, through on or about December 21, 2021, in the District of Arizona, the defendants, ANTONIO OLMOS, and FREDRIC BRAESEKER, did fraudulently, knowingly and intentionally attempt to export and send from the United States, any merchandise, article, or object contrary to any law or regulations of the United States, and received, concealed, bought and in any manner facilitated the transportation, and concealment of such merchandise, article or object, that is:

- One Barrett, model M95, .50 BGM caliber rifle,
prior to exportation, knowing the same to be intended for exportation contrary to any law
or regulation of the United States, to wit: Title 50, United States Code, Section 4819, Title
15, Code of Federal Regulations, Parts 736.2, 738, and 774.

All in violation of Title 18, United States Code, Sections 554(a) and 2.

COUNT 3

On or about December 21, 2021, in the District of Arizona, the defendants ANTONIO OLMO, MARC LUNA and FREDRIC BRAESEKER, in connection with the acquisition of a firearm, that is, one Barrett, model M95, .50 BGM caliber rifle, from

1 Liberty Pawn Shop, a federally licensed dealer of firearms within the meaning of Chapter
2 44, Title 18, United States Code, knowingly made a false and fictitious written statement
3 to Liberty Pawn Shop, which statement was intended and likely to deceive Liberty Pawn
4 Shop, as to a material fact to the lawfulness of such sale of the said firearm to the defendant
5 under Chapter 44 of Title 18, in that the defendant, while filling out Form 4473 checked
6 the box "Yes" that he was the actual transferee/buy of said firearm when in fact he was
7 acquiring the firearm on behalf of another person with such false statement given to deceive
8 such dealer as to a material fact to the lawfulness of the sale of the firearms.

9 All in violation to title 18, United States Code, Sections 922(a)(6), 924(a)(2) and 2.

10 A TRUE BILL

11 /s/
12

13 FOREPERSON OF THE GRAND JURY
14 Dated: July 10, 2024

15 GARY M. RESTAINO
16 United States Attorney
District of Arizona

16 REDACTED FOR
17 PUBLIC DISCLOSURE

18 /s/
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20 SERRA M. TSETHLIKAI
21 Assistant U.S. Attorney

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